IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.13998 of 2007

TUESDAY, THE TENTH DAY OF JULY TWO THOUSAND AND SEVEN

Between:

Kandula Uma, W/o. late Sri Rama Murthy,
Aged about 53 years, Occ: Housewife,
R/o. Door No.1-15-3, Vamsi Krishna Nagar,
Bhimavaram, West Godavari District.

… Petitioner

And

The District Collector, West Godavari
District at Eluru, and another.

… Respondents

Order:

In this writ petition, petitioner has questioned the validity of the order dated 10-05-2007, passed by the District Collector, West Godavari, first respondent herein, in exercise of powers under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Acct').

Heard learned counsel for the petitioner and learned

Government Pleader for Land Acquisition appearing for the respondents.

Petitioner claims to be the owner and possessor of land admeasuring Ac.0.97 cents in S.No.33/5 Arthamur, Undi Mandal, West Godavari District. The said land was notified by the impugned notification for providing house sites to weaker sections and enquiry under Section 5-A of the Act was conducted. In the said enquiry, petitioner raised two objections, namely, there are other lands available in the village, which are suitable for providing house sites to weaker sections and as she is a landless poor person, she would be put to great hardship if her land is acquired.

The first respondent, District Collector, West Godavari, passed the impugned order recording a finding that no other suitable land is available in the locality and also stating that the petitioner possesses and extent of Ac.8.63 cents of agricultural land besides the land notified for acquisition. Except the aforesaid two objections, no further objections are raised by the petitioner. The impugned order has been passed taking into consideration the said objections raised by the petitioner and a categorical finding has been recorded. Hence, I do not find illegality in the impugned order, warranting interference of this court under Article 226 of the Constitution of India.

The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 10, 2007
MRR